

RECEIVED and FILED by the
NEW JERSEY STATE BOARD OF
VETERINARY MEDICAL EXAMINERS
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STATE OF NEW JERSEY
DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
BOARD OF VETERINARY MEDICAL EXAMINERS
DOCKET NO. _____

IN THE MATTER OF THE SUSPENSION)	
OR REVOCATION OF THE LICENSE OF)	
)	Administrative Action
Gerald M. Buchoff, B.V.Sc.)	
License No. VI 02226)	CONSENT ORDER
)	
TO PRACTICE VETERINARY MEDICINE)	
IN THE STATE OF NEW JERSEY)	
)	

This matter was opened to the New Jersey State Board of Veterinary Medical Examiners (hereinafter "the Board") upon receipt of information containing allegations that Gerald M. Buchoff, B.V.Sc. repeatedly engaged in gross negligence, gross malpractice, gross incompetence and professional misconduct by failing to appropriately treat three (3) animals under his care at his office known as North Bergen Animal Hospital, located at 9018 Kennedy Boulevard, North Bergen, New Jersey, and by failing to maintain adequate patient records for his treatment of these animals. Furthermore, the Board received information alleging that

Respondent had engaged in professional misconduct by employing two (2) unlicensed persons as assistant veterinarians. Respondent has entered into two previous Orders with the Board, including a Final Decision and Order in 1991 for record-keeping violations, and a Consent Order in 1995 involving professional misconduct. On September 23, 1998, Respondent, who was not then represented by counsel, testified under oath before the Board.

On or about July 24, 2001, a five (5) count Complaint was filed with the Board containing the following allegations: First, Respondent's treatment of a thirteen-week old puppy who eventually died under Respondent's care constituted a deviation from the standard of care expected of a veterinarian involving repeated acts of gross negligence, gross malpractice, or gross incompetence and professional misconduct. Respondent's failure to create and maintain accurate records of his examination and treatment of the puppy violated the Board's record-keeping regulations. The Complaint also alleges that Respondent failed to properly dispose of the puppy's body and failed to account for the puppy's body to its owner, in violation of the standard of care expected of a veterinarian.

Second, the Complaint alleges that Respondent refused to release the body of a Labrador Retriever which died while under his care to its owner until the outstanding bill was paid by the owner.

Such a refusal to release the body constitutes professional misconduct.

Third, the Complaint alleges that Respondent failed to properly treat an iguana according to accepted standards of practice, and that Respondent failed to create and maintain adequate patient records for the iguana.

Finally, the Complaint alleges that Respondent employed two unlicensed assistant veterinarians' in violation of the Board's regulations regarding permitting and/or aiding and abetting the practice of veterinary medicine, surgery and dentistry by an unlicensed person. Additionally, the Complaint sets forth that Respondent failed to responsibly supervise his employees in treating patients.

On or about August 14, 2001, Respondent filed an Answer and Separate Defenses with the Board in response to the Complaint, in which Respondent admitted to treating the two dogs referred to in the Complaint, admitted that he or another licensee employed by him treated the iguana and admitted to employing the two individuals referred to in the Complaint.

Specifically, as to the allegations involving the thirteen-week old puppy, Respondent admitted that the patient record does not include certain details regarding Respondent's treatment of the puppy, and that Respondent could not produce any records or documents regarding the disposition of the puppy's body.

Respondent denied that his treatment of the puppy constituted gross negligence, gross malpractice, gross incompetence, or professional misconduct.

In reference to Respondent's alleged refusal to return the body of the Labrador Retriever to its owner until the balance due was paid, Respondent denied refusing to hand over the body until payment was received.

With regard to the iguana, Respondent sets forth that another licensee employed by Respondent provided treatment to the iguana, and Respondent denies that the treatment provided to the iguana deviated from the standard of veterinary practice. Also, Respondent denied that failing to note the dose and injection sites for four injections provided to the iguana violated the Board's record-keeping regulations.

Respondent admits to employing the two (2) assistant veterinarians, who subsequently lost their temporary permits to practice veterinary medicine, but continued to be employed by Respondent. However, Respondent sets forth that he lacks sufficient information as to the expiration of their temporary permits. Respondent admits that one of these individuals did treat a dog without Respondent being present during the treatment.

Having reviewed the entire record, including the testimony of Respondent at the investigative inquiry, it appears to the Board that the facts in this matter establish a basis for disciplinary

action pursuant to N.J.S.A. 45:1-21 et seq. It appearing that Respondent desires to resolve this matter without recourse to further formal proceedings, and the Board finding that the public health, safety and welfare are served and protected by the entry of this Order, and for other good cause shown,

IT IS ON THIS 8th DAY OF March, 2002, HEREBY ORDERED AND AGREED THAT:

1. Respondent's license to practice veterinary medicine shall be and hereby is immediately suspended for a period of two (2) years, the entirety of said suspension to be stayed and served as a period of probation;

2. Respondent is hereby assessed a civil penalty pursuant to N.J.S.A. 45:1-22 in the amount of fifteen thousand dollars (\$15,000) for the conduct alleged in the Complaint. Payment of the civil penalty of \$15,000 shall be by submission of a certified check or money order made payable to the State of New Jersey and shall be sent to Diane Romano, Executive Director, Board of Veterinary Examiners, 124 Halsey Street, Sixth Floor, Newark, New Jersey, 07101 no later than thirty (30) days from the entry of this Consent Order. In the event that Respondent does not make timely payment, such violation will subject Respondent to enhanced penalties pursuant to N.J.S.A. 45:1-25;

3. Respondent is hereby assessed the costs of the investigation to the State in this matter in the amount of seven

thousand seven hundred sixty six dollars and forty one cents, \$7,766.41. Payment for costs shall be submitted by certified check or money order made payable to the State of New Jersey and submitted to the Board no later than thirty (30) days from the entry of this Consent Order. Payment shall be sent to Diane Romano, Executive Director, Board of Veterinary Examiners, at the address described in paragraph #2; and

4. A Certificate of Debt shall be filed for the entire amount owed to the Board to be discharged by Respondent's payment of this debt in full.

NEW JERSEY STATE BOARD OF
VETERINARY EXAMINERS

By:

John G. DeVries, DVM
John G. DeVries, President
Board of Veterinary Medical Examiners

I have read and understand the within Consent Order and agree to be bound by its terms. Consent is hereby given to the Board to enter this Order.

Gerald M. Buchoff
Gerald M. Buchoff, B.V.Sc.

This Order is consented to as to form and entry.

Deborah A. Holzman
Deborah A. Holzman, Esq.
Lowenstein Sandler, P.C.
Attorney for Gerald M. Buchoff, B.V.Sc.